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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/713,099      | 11/17/2003  | Pascal Pegaz-Paquet  | 66629-019           | 9786             |

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04/25/2006

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| EXAMINER |
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PATEL, JAGDISH

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| ART UNIT | PAPER NUMBER |
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3624

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/713,099 | <b>Applicant(s)</b><br>PEGAZ-PAQUET ET AL. |  |
|                              | <b>Examiner</b><br>JAGDISH PATEL     | <b>Art Unit</b><br>3624                    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) 8-17,23-106 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed 2/3/06.

#### ***Response to Amendment***

2. Claims 1-3, 5-7, 18-22 have been amended. Claims 1-7 and 18-22 have been examined. Claims 8-17 and 23-106 have been withdrawn from further consideration.

#### ***Response to Arguments***

3. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejections.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 1-3, 5-7, 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites limitation "each required user qualification". This limitation lacks positive antecedent basis.

Claim 2 recites "at least one required user qualification" which does not relate to the "each required user qualification" and therefore, although the qualification verification is operably connected to the gateway device there is no functional relationship in terms of the user

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qualification. (Please refer to claim 3, which (improperly) recites that the user qualification is a minimum credit rating.

Claim 5 recites limitation “the user unique identifier” which lacks positive antecedent basis.

Claim 7 recites limitation “the request” which lacks positive antecedent basis. Additionally, the claim fails to specify what the request pertains to and how the request is relevant to the system as a whole.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sabal (US Pub 2001/0037383) (hereafter Sabal).

As per claim 1 Sabal teaches a system for restricting access to an e-commerce network, comprising:

A gateway device configured to provide access to the e-commerce network subsequent to verification of each required user qualification, wherein at least one required user qualification is a minimum credit rating for a user (high speed modem 114

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as described at para [0021], the modem is provided with a startup software and as described in [0022] receives a command to enable it, the command is in response to the credit validation process 180);

a qualification verification device operably connected to the gateway device..being configured to verify at least one required user qualification in response to user qualification input signal, wherein the user qualification input includes a unique user identification ( see para [0022] process 180 to verify at least one user qualification (credit card number and other relevant data as enumerated in para [0020] )).

As per claim 7 Sabal teaches a system for qualifying a user to access an e-commerce network, the system being operably coupled to the e-commerce network (see Figure 1), the system comprising:

a remote terminal being configured to receive a request, the remote terminal further having a unique user identifier retrieval device configured to retrieve a first unique user identifier signal from at least on database memory (see Figure 1, Fast-Net access controller 140, receives a request to access the Internet, it has a user identifier retrieval device (account initialization process 142) which retrieves user credit card data from the database 180)

a qualification verification device operably connected to the gateway device..being configured to verify at least one required user qualification in response to user qualification input signal, wherein the user qualification input includes a unique user

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identification ( see para [0022] process 180 to verify at least one user qualification  
(credit card number and other relevant data as enumerated in para [0020] )).

Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sabal as applied to claim 1 and further in view of Pletz et al. (US Pat. 6965865) (Pletz).

Sabal fails to teach, however, in the same field of endeavor (i.e. authentication of a user of a service or information ) that the user qualification input signal includes at least part of a social security number and wherein the verification device retrieves a qualification information signal from a social security database memory (see Pletz col. 8 L 35-43, n identification code, the representative's social security or some other pre-assigned password may be entered by to access the system. Any information may be entered into the system by keyboard, voice activation, touch screen interface, pen, computer mouse entry, or other interfaces.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include social security number or a part of it as recited because it would enhance the security level of the e-commerce network access.

Claim 3: wherein the user qualification is minimum credit rating .. third party database memory that contains credit rating information (see Sabal Figure 1, credit card validation 180, see also analysis of claim 1).

Claim 4: credit rating is used to extend credit to a user for goods or services (see Sabal concerns providing high-speed Internet access).

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabal as applied to claim 1 and further in view of Hill et al. (US 2004/0226459) (Hill).

Sabal fails to teach, however, Hill teaches a gateway device which includes an interactive voice response server configured to interact with the user and wherein the server is further configured to request user input of user identifier and to recognize the user unique identifier (see Figure 4 and 5, and para [0053] through [0061]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the IVR response server to the Feather Gateway system. Motivation for this combination is enable the user to interact the e-commerce network using voice data and voice communication device such as landline and wireless phones.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sabal.

As per claim 7 Sabal teaches a system for qualifying a user to access an e-commerce network, the system being operably coupled to the e-commerce network (see Figure 1), the system comprising:

a remote terminal being configured to receive a request, the remote terminal further having a unique user identifier retrieval device configured to retrieve a first unique user identifier signal from at least on database memory (see Figure 1, Fast-Net access controller 140, receives a request to access the Internet, it has a user identifier retrieval device (account initialization process 142) which retrieves user credit card data from the database 180)

a qualification verification device operably connected to the gateway device..being configured to verify at least one required user qualification in response to user qualification input signal, wherein the user qualification input includes a unique user identification ( see para [0022] process 180 to verify at least one user qualification (credit card number and other relevant data as enumerated in para [0020] )).

Sabal does not expressly teach that the user qualification input signal includes a second unique user identifier.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the operation of the qualification verification device which would verify the user qualification regardless of the second user identifier.

Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983), *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the qualification verification device configured in the manner recited in claim 7 because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claim 18 is analyzed in similar manner as claim 2.

Claim 19 is analyzed in similar manner as claim 3.

Claim 20 is analyzed in similar manner as claim 4.

Claims 21 and 22 are analyzed in similar manner as claims 5 and 6 respectively.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).




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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jagdish N. Patel

(Primary Examiner, AU 3624)

4/20/06